

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LYUDMYLA PYANKOVSKA,

Plaintiff(s),

v.

SEAN ABID, et al.,

Defendant(s).

Case No. 2:16-CV-2942 JCM (BNW)

ORDER

Presently before the court is the matter of *Pyankovska v. Abid*, case number 2:16-cv-2942-JCM-BNW.

On November 16, 2017, this court, in relevant part, granted defendant John Jones's motion to dismiss, reasoning that the claims against him were barred by the *Noerr-Pennington* doctrine. (ECF Nos. 67). The case continued with claims against another defendant, and the court eventually ordered default judgment in favor of plaintiff Lyudmyla Pyankovska. (ECF No. 123). Following additional briefing, the court awarded plaintiff \$10,000 under the Federal Wiretap Act, but it did not award punitive damages or litigation costs. (ECF No. 142). Following denial of a motion to amend, plaintiff appealed. (ECF No. 148).

On appeal, the panel vacated this court's decision dismissing claims against Jones, and it remanded for recalculation of damages. (ECF No. 151). The Ninth Circuit's mandate issued on July 11, 2023. (ECF No. 152).

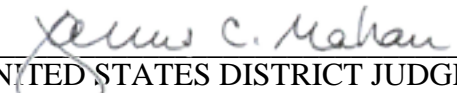
Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the court's order on defendant's motion to dismiss (ECF No. 67), be, and the same hereby is, VACATED, insofar as it relies on the *Noerr-Pennington* doctrine.

1 IT IS FURTHER ORDERED that this court's judgment on damages (ECF No. 143) be,  
2 and the same hereby is, VACATED.

3 IT IS FURTHER ORDERED that the parties shall submit a JOINT STATUS REPORT  
4 within 14 days of this order informing the court of the status of the claims against Jones, as well  
5 as setting forth a proposed briefing schedule regarding a supplementary motion for calculation of  
6 damages in light of the Ninth Circuit's opinion.

7 DATED July 13, 2023.

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10 UNITED STATES DISTRICT JUDGE  
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